MINUTE ITEM
This Calendar Item No. C03
was approved as Minute Item
No. 3 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/91
meeting.

CALENDAR ITEM

C 0 3

A 7

S 1

09/23/91
W 24132 PRC 7566
Garibay

APPROVE RECREATIONAL PIER PERMIT
FOR TWO EXISTING BUOYS IN LAKE TAHOE

APPLICANT:
Joseph and Cheryl Bayless
3690 E. Camino Sin Nombre
Paradise Valley, Arizona 85253

TERMS OF PROPOSED PERMIT:
Initial period:
Five (5) years beginning September 23, 1991.

Renewal options:
None

APPLICANT STATUS:
Applicant is littoral owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fees and processing costs have been received.

CONSIDERATION:
No monetary consideration pursuant to Section 6503., P.R.C.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2

B. Cal. Code Regs.: Title 2, Div. 3

AB 884:
N/A

(REVISIONS pgs. 11-13.1)

CALENDAR PAGE
MINUTE PAGE 2832

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff has prepared a Proposed Negative Declaration, as identified in Exhibit "B". Such a Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

   Based upon the Initial Study, the Proposed Negative Declaration, and (no comments were received in response thereto) there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b).

2. As noted, staff has circulated a Proposed Negative Declaration SCH NO. 91012001 for the subject facilities, and received no objection to any of these projects during the public comment period. However, staff has recently been informed by staff of the Department of Fish and Game (DFG) and staff of the Tahoe Regional Planning Agency (TRPA) that both agencies will be reviewing their policies regarding placement and use of buoys at Lake Tahoe, and may develop restrictions on such placement and use of buoys to address fish habitat and other environmental and recreational concerns. Staff, therefore, recommends that the Commission approve the facilities which are the subject of this calendar item, subject to the right of the Commission to amend or rescind such authorization during the term specified if appropriate to respond to concerns which may arise during the upcoming review by DFG and TRPA.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with the use classification.

4. In order to determine the other potential trust uses in the area, staff contacted representatives of the following agencies: Tahoe Regional Planning Agency, Department of Fish and Game, County of Placer, and the Tahoe Conservancy. None of these agencies expressed a

CALENDAR PAGE 33
MINUTE PAGE 2833

concern that the proposed project would have a significant effect on trust uses in this area. The agencies did not identify any trust needs which were not being met by existing facilities in the area. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.

Staff has conducted a site inspection to review the relation of the permitted facilities to other trust uses. The project appears to be consistent with other trust uses in the area.

5. The permit includes special language in which the permittee agrees to protect and replace or restore, if required, the habitat of Rorippa subumbellata, commonly called the Tahoe Yellow Cress, a State-listed endangered plant species.

6. The applicant has been or will be notified that the public has a right to pass along the shorezone and the permittee must provide a reasonable means for public passage along the shorezone.

7. If any structure authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's Shorezone ordinance and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then the permit will be automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof. If the location, size or number of any structure hereby authorized is to be altered, pursuant to order of the Tahoe Regional Planning Agency, Permittee shall request the consent of State to make such alterations.

APPROVALS OBTAINED:

Placer County and Tahoe Regional Planning Association.

EXHIBITS:

A. Location Map.
B. Negative Declaration.

CALENDAR PAGE 122
MINUTE PAGE 2834

IT IS RECOMMENDED THAT THE COMMISSION:

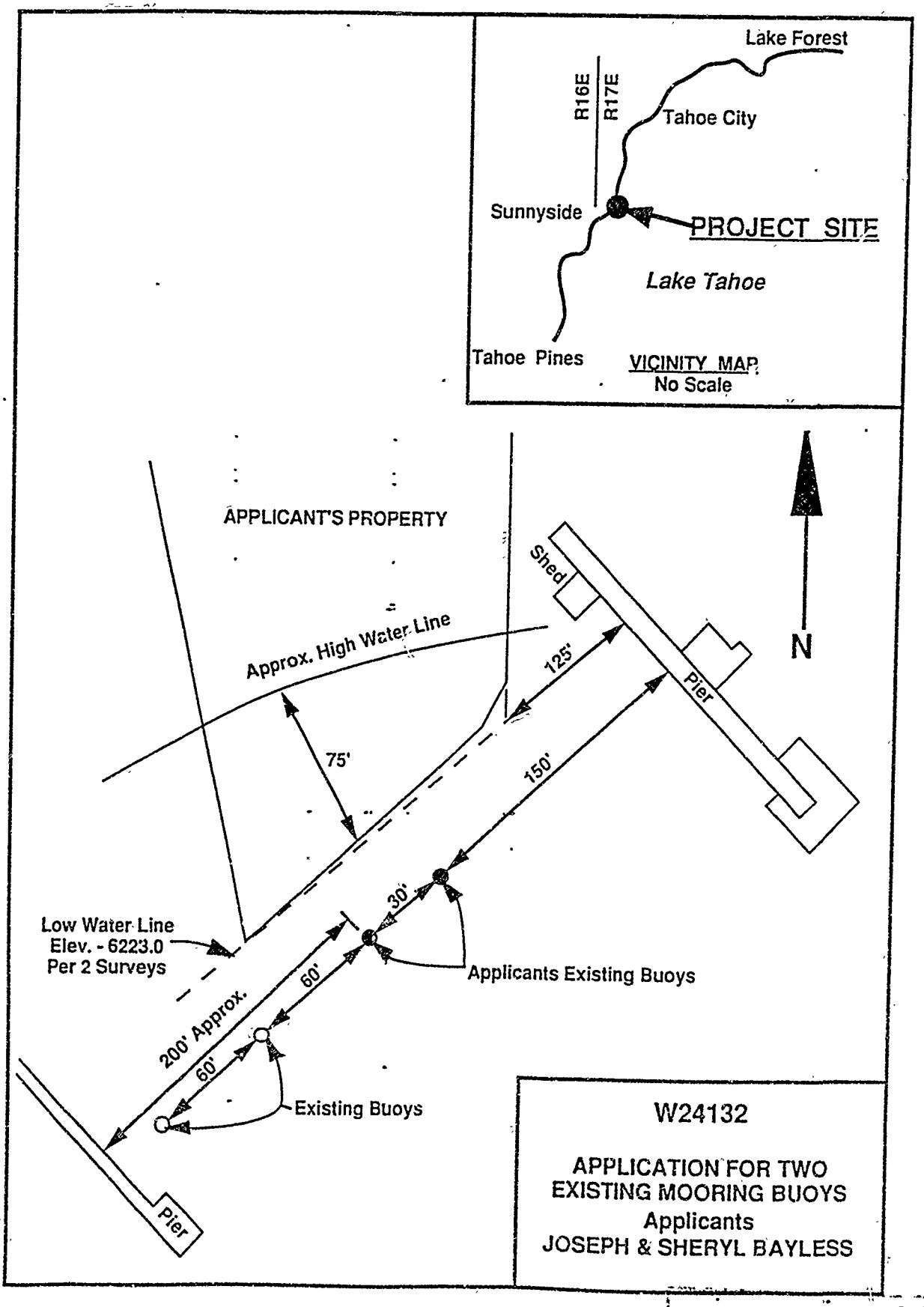
1. CERTIFY THAT A NEGATIVE DECLARATION, EXHIBIT "B", WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. AUTHORIZE THE ISSUANCE OF A FIVE-YEAR RECREATIONAL PIER PERMIT TO THE APPLICANT FOR THE RETENTION OF TWO (2) EXISTING BUOYS ON THE LANDS DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF PROVIDED THAT, AT ANY TIME DURING ITS STATED TERM, THE COMMISSION MAY AMEND OR RESCIND THIS AUTHORIZATION AS IT PERTAINS TO BUOYS AS IT DEEMS NECESSARY TO ADDRESS CONCERNS WHICH MAY ARISE DURING THE UPCOMING REVIEW OF SUCH FACILITIES BY DFG AND TRPA.

CALENDAR PAGE 33.1
MINUTE PAGE 2835

EXHIBIT A



W24132

APPLICATION FOR TWO EXISTING MOORING BUOYS
Applicants
JOSEPH & SHERYL BAYLESS

CALENDAR PAGE 14
MINUTE PAGE 2836

EXHIBIT B

STATE OF CALIFORNIA
GEORGE DEUKMEJIAN *Governor*

STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
JESSE R. HUFF, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 958
CHARLES WARREN
Executive Officer

January 2, 1991
File Ref.: W 24132
EIR ND: 541

NOTICE OF PUBLIC REVIEW OF A NEGATIVE DECLARATION (SECTION 15073 CFR)

A Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission Regulations (Section 2901 et seq., Title 2, California Code Regulations) for a project currently being processed by the staff of the State Lands Commission.

The document is attached for your review. Comments should be addressed to the State Lands Commission office shown above, with attention to the undersigned. All comments must be received by February 1, 1991.

Should you have any questions or need additional information, please call the undersigned at (916) 323-7209.

JACQUES GRABER
Division of Environmental
Planning and Management

Attachment

CALENDAR PAGE 15
MINUTE PAGE 2837

STATE OF CALIFORNIA

PETE WILSON, *Governor*

STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
THOMAS W. HAYES, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814

CHARLES WARREN
Executive Officer

PROPOSED NEGATIVE DECLARATION

File: W 24132
EIR ND 541
SCH No. 91012001

Project Title:	BAYLESS -- AUTHORIZATION FOR TWO EXISTING MOORING BUOYS
Proponents:	Joseph & Sheryl Bayless
Project Location:	Lake Tahoe at 1350 West Lake Boulevard, APN 083-162-32, Placer County.
Project Description:	Authorization for continued positioning and use of two mooring buoys.
Contact Person:	Jacques Graber Telephone: 916/323-7209

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Code Regulations).

Based upon the attached Initial Study, it has been found that:

/X/ this project will not have a significant effect on the environment.

/__/ mitigation measures included in the project will avoid potentially significant effects.

CALENDAR PAGE 16
MINUTE PAGE 2835

STATE LANDS COMMISSION

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST – PART II

Form 13.20 (7/82)

File Ref.: W24132

I. BACKGROUND INFORMATION

A. Applicant: Joseph and Cheryl Bayless
3690 E Camino Sin Nombre
Paradise Valley, AZ 85253

B. Checklist Date: 12 / 10 / 90

C. Contact Person: Jacques A. Graber

Telephone: (916) 323-7209

D. Purpose: Application for two (2) mooring buoys at Lake Tahoe at 1350 West Lake Blvd. Placer County, APN 083-162-32

E. Location: Lake Tahoe at 1350 W. Lake Blvd. APN 083-162-32, Placer County

F. Description: Application for continued positioning and use of two mooring buoys in Lake Tahoe.

G. Persons Contacted:

II. ENVIRONMENTAL IMPACTS. *(Explain all "yes" and "maybe" answers)*

A. *Earth.* Will the proposal result in:	Yes	Maybe	No
1. Unstable earth conditions or changes in geologic substructures?	☐	☐	☒
2. Disruptions, displacements, compaction, or overcovering of the soil?	☒	☐	☐
3. Change in topography or ground surface relief features?	☐	☐	☒
4 The destruction, covering, or modification of any unique geologic or physical features?	☐	☐	☒
5. Any increase in wind or water erosion of soils, either on or off the site?	☐	☐	☒
6 Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake?	☐	☐	☒
7 Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	☐	☐	☒

MINUTE PAGE 2839

	Yes	Maybe	No
B. *Air.* Will the proposal result in:			
1. Substantial air emmissions or deterioration of ambient air quality?	☐	☐	☒
2. The creation of objectionable odors?	☐	☐	☒
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	☐	☐	☒
C. *Water.* Will the proposal result in:			
1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?	☐	☐	☒
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	☐	☐	☒
3. Alterations to the course or flow of flood waters?	☐	☐	☒
4. Change in the amount of surface water in any water body?	☐	☐	☒
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	☐	☐	☒
6. Alteration of the direction or rate of flow of ground waters?	☐	☐	☒
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	☐	☐	☒
8. Substantial reduction in the amount of water otherwise available for public water supplies?	☐	☐	☒
9. Exposure of people or property to water-related hazards such as flooding or tidal waves?	☐	☐	☒
10. Significant changes in the temperature, flow or chemical content of surface thermal springs?	☐	☐	☒
D. *Plant Life.* Will the proposal result in:			
1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	☐	☒	☐
2. Reduction of the numbers of any unique, rare or endangered species of plants?	☐	☐	☒
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	☐	☐	☒
4. Reduction in acreage of any agricultural crop?	☐	☐	☒
E *Animal Life* Will the proposal result in:			
1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?	☐	☒	☐
2. Reduction of the numbers of any unique, rare or endangered species of animals?	☐	☐	☒
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	☐	☐	☒
4. Deterioration to existing fish or wildlife habitat?	☐	☐	☒
F. *Noise.* Will the proposal result in:			
1. Increase in existing noise levels?	☐	☒	☐
2. Exposure of people to severe noise levels?	☐	☐	☒
G. *Light and Glare.* Will the proposal result in:			
1. The production of new light or glare?	☐	☐	☒
H. *Land Use.* Will the proposal result in:			
1. A substantial alteration of the present or planned land use of an area?	☐	☐	☒
I *Natural Resources.* Will the proposal result in:			
1. Increase in the rate of use of any natural resources?	☐	☐	☒
2. Substantial depletion of any nonrenewable resources?	☐	☐	☒

EXHIBIT NO. 18
MINUTE: 2840

J. *Risk of Upset.* Does the proposal result in:

	Yes	Maybe	No
1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?	☐	☐	☒
2. Possible interference with emergency response plan or an emergency evacuation plan?	☐	☐	●

K. *Population.* Will the proposal result in:

1. The alteration, distribution, density, or growth rate of the human population of the area?	☐	☐	☒

L. *Housing.* Will the proposal result in:

1. Affecting existing housing, or create a demand for additional housing?	☐	☐	☒

M. *Transportation/Circulation.* Will the proposal result in:

1. Generation of substantial additional vehicular movement?	☐	☐	☒
2. Affecting existing parking facilities, or create a demand for new parking?	☐	☐	☒
3. Substantial impact upon existing transportation systems?	☐	☐	☒
4. Alterations to present patterns of circulation or movement of people and/or goods?	☐	☐	☒
5. Alterations to waterborne, rail, or air traffic?	☒	☐	☐
6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	☐	☐	☒

N. *Public Services.* Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

1. Fire protection?	☐	☐	☒
2. Police protection?	☐	☐	☒
3. Schools?	☐	☐	☒
4. Parks and other recreational facilities?	☐	☐	☒
5. Maintenance of public facilities, including roads?	☐	☐	●
6. Other governmental services?	☐	☐	☒

O. *Energy.* Will the proposal result in:

1. Use of substantial amounts of fuel or energy?	☐	☐	☒
2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?	☐	☐	☒

P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

1. Power or natural gas?	☐	☐	☒
2. Communication systems?	☐	☐	☒
3. Water?	☐	☐	☒
4. Sewer or septic tanks?	☐	☐	☒
5. Storm water drainage?	☐	☐	☒
6. Solid waste and disposal?	☐	☐	☒

Q. *Human Health.* Will the proposal result in:

1. Creation of any health hazard or potential health hazard (excluding mental health)?	☐	☐	☒
2. Exposure of people to potential health hazards?	☐	☐	☒

R. *Aesthetics.* Will the proposal result in:

1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	☐	☒	●

S. *Recreation.* Will the proposal result in:

1. An impact upon the quality or quantity of existing recreational opportunities?	☐	☒	☐

CALENDAR PAGE ☐ 89 ☐
MINUTE PAGE 2841

T. *Cultural Resources.*

	Yes	Maybe	No
1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site?	☐	☐	☒
2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	☐	☐	☒
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☐	☒
4. Will the proposal restrict existing religious or sacred uses within the potential impact area?	☐	☐	☒

U. *Mandatory Findings of Significance.*

1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒
2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	☐	☐	☒
3. Does the project have impacts which are individually limited, but cumulatively considerable?	☐	☒	☐
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒

III. DISCUSSION OF ENVIRONMENTAL EVALUATION *(See Comments Attached)*

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

☑ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.

☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 12/21/90

For the State Lands Commission

20

2842

A.2. Disruptions

The project involves the continued placement of two mooring buoys at Lake Tahoe. A typical mooring buoy requires a concrete anchor block which rests on the lakebed. The anchor will cover approximately two square feet of bottom substrate. The two buoys will then require about four square feet of lakebottom to anchor them. A single buoy should not create an impact on lakebottom environment, but the cumulative effect of several buoys might create an impact. Its location and lakebed type also are factors.

Impacts would include compression of the substrate in the footprint of the anchor, and obstruction of the substrate's surface. This could affect bottom organisms either burrowing or resting on the lakebed. A sandy bottom would be affected by these impacts differently from a pebble, cobbled or boulder surface.

The anchor could also create an artificial surface for sessile life especially if it is introduced on a sandy bottom.

D.1. Species Diversity - Plants

Introduction of the buoys with their attendant anchors could create an impact on aquatic plant populations. Placement of the blocks on a sandy bottom could introduce aquatic plants which otherwise would not occupy an area dominated by sandy substrate. The blocks would affect sandy bottom environments if certain rooted aquatic plants were present requiring a sandy bottom. The impact would be least if the blocks are placed on a cobble or boulder substrate which would be similar to the anchors in character.

The impacts from placement of the buoy anchors would be minimal.

D.4. Habitat

The anchors could create a local deterioration to habitat. Theoretically, a block could be placed in a small patch of sandy bottom surrounded by cobble substrate. This would remove this area from burrowing or sandy bottom preferring organisms. Conversely, its placement on a primarily sandy bottom could introduce substrate for sessile rocky bottom organisms to colonize.

Fish habitat should not be greatly affected as the blocks are small and will not affect the nektonic space. It could also afford a surface for grazing once sessile life populated the block. The impacts should be minimal.

CALENDAR PAGE 21
MINUTE PAGE 2843

M.5. Traffic (boating)

The presence of the two buoys could affect local water traffic. If the buoys were not in place, boat traffic movements would be freer between the piers also present in the area. This could affect trolling traffic which moves slowly. The buoys will impede such free movements. High speed boating will be less affected as this movement occurs farther to the middle of the lake, away from shorezone hazards.

R.1. Aesthetics

The presence of the two buoys will create an impact upon the view in that area. Though, with the presence of two piers nearby, their impact will be less than if the piers were not present. Two buoys will not create a significant visual impact as compared to a buoy field.

S.1. Recreation

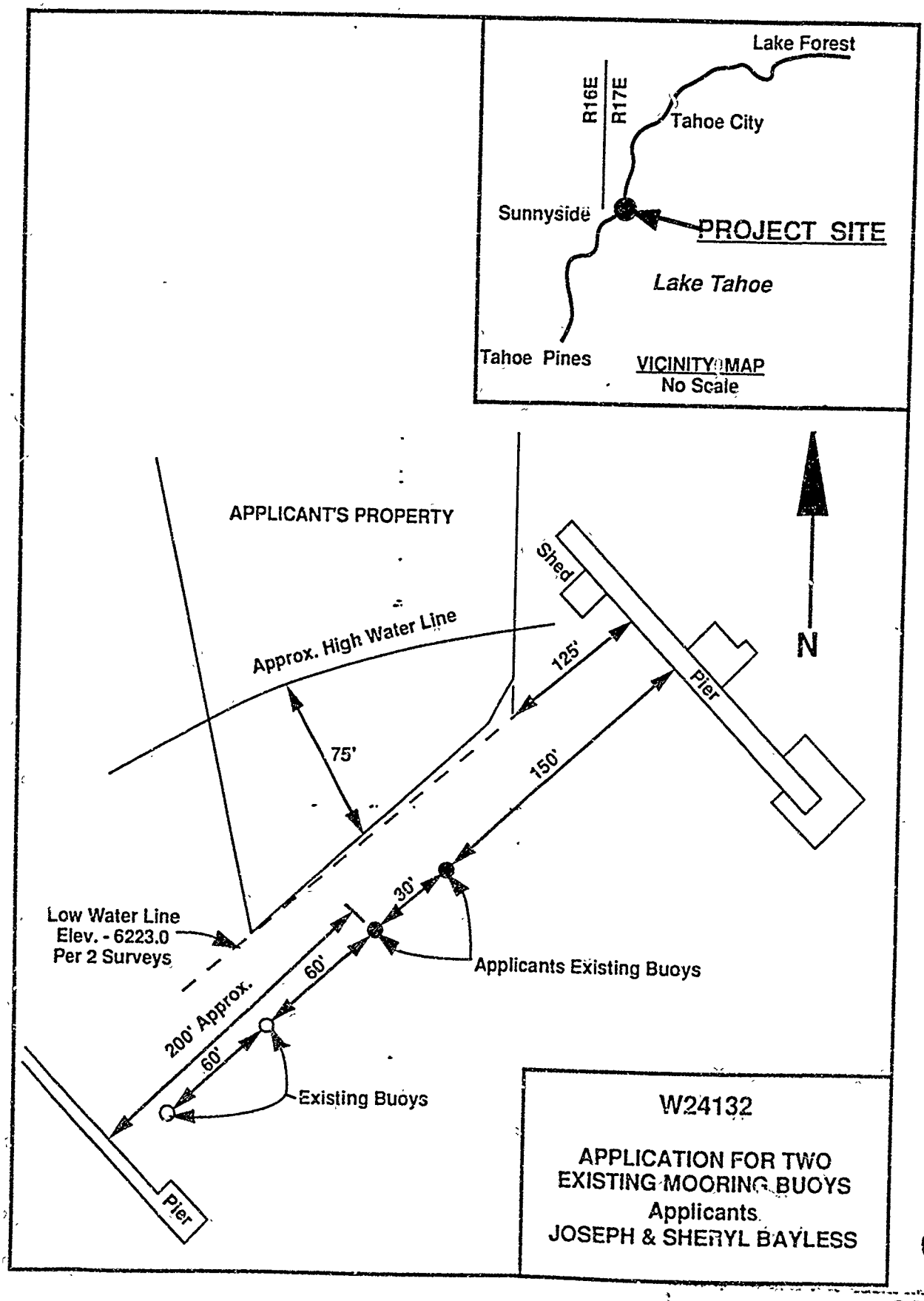
The presence of the buoys might have a small effect on recreation opportunities in that locale. The buoys could impact trolling movements and still-boat fishing in that area. They should not affect waterskiing activities which occur farther to the middle of the lake.

The buoys or associated moored boats should not affect swimming activities that may occur in the vicinity.

U.3. Impacts

The presence of two individual buoys should not create an appreciative impact aesthetically or recreationally. If more buoys are added to this area, their cumulative impacts might affect visual quality and recreational opportunities (boat fishing). Higher numbers of buoys trigger negative reactions from onlookers, as mentioned in a current study on shorezone developments at Lake Tahoe.

CALENDAR [illegible] 22
MINUTE [illegible] 2844



W24132

APPLICATION FOR TWO EXISTING MOORING BUOYS

Applicants

JOSEPH & SHERYL BAYLESS

CALENDAR PAGE 23

MINUTE PAGE 2845